

OGC HAS REVIEWED.

Categories of CIA Personnel

It is recognized that the establishing of categories of personnel is a policy matter. However, it is clear that in the event any radical changes are made in those categories that certain legal considerations will require attention. Comments will be made with respect to the three proposed categories.

1. Employees

A. Career Employees -- Career employees, of course, pay into the retirement fund and are generally subject to the normal Civil Service rules to which the Agency adheres. They are entitled to veterans' preference rights and there are no social security problems involved. Indefinite or career employees who are in a probationary status have no rights under the Veterans' Preference Act until they have satisfactorily completed the probationary period.

B. Temporary Employees -- It is understood that the Agency at this time has no temporary employees. However if same were appointed, social security deductions would be necessary, in turn involving security considerations. Temporary job appointments may be made, according to the Federal Personnel Manual, only for jobs which are not expected to last longer than one year. This would weaken the temporary employee program if adhered to strictly. Extensions are to be made only when the continued appointment is for

whatever attractions would have, (X-1-19.02)
beyond one year

so short a time as to be preferable to an indefinite appointment. Persons having indefinite appointments (longer than one year) have generally the same rights as permanent or career employees. Temporary employees have no rights under the Veterans' Preference Act, and may be dismissed at any time prior to the originally stated term of employment at the discretion of the Government. It is understood that temporary employees who contribute to social security and then are picked up either in a career status or a probationary period leading to a career status ~~or a probationary period leading to a career status~~ may not pay into the retirement fund to cover the period during which they were temporary employees. Stated another way, social security covers services performed by temporary employees of the U. S. whether they are awaiting permanent or indefinite appointment or are in positions not intended to be permanent or indefinite. It also covers employees of corporations wholly-owned by the U. S. ^{as well as} ~~It also covers~~ services performed outside the U. S., District of Columbia, Alaska, Puerto Rico, and Virgin Islands by U. S. citizens working for an American employer. Excluded are services covered ~~by~~ another retirement system established by Federal law.

2. Detailed Personnel

Detailed civilian and military personnel need not be commented upon ^{at length} since, as indicated in the referenced memorandum, their rights stem from the parent agency or service. In the event that detailed

personnel are not covered by a retirement system established by Federal law, it will be necessary to apply the general provisions of the law to the facts in each case in order to determine the applicability of the social security law. It is not contemplated that this Agency would have to solve any personnel problems in this field since, if relations with the detailed personnel have for any reason become unsatisfactory, the detail will be terminated and the individual returned to his permanent place of employment.

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